



COMMONWEALTH of VIRGINIA

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Karen Remley, M.D., M.B.A.
State Health Commissioner
Department of Health
109 Governor Street
Richmond, Virginia 23219

Proposed Amendments to Regulations for Testing Children for Elevated Blood-Lead Levels

Dear Dr. Remley:

I have reviewed the proposed amendments to the *Regulations for Testing Children for Elevated Blood-Lead Levels*, 12 VAC 5-120-10 *et seq.* The proposed amendments allow the use of certain approved instruments to administer screening tests for elevated blood-lead levels and require health care providers, as part of regular well check visits for all children up to 72 months of age, to make available to parents information on the dangers of lead poisoning.

It is my view that the Board of Health, contingent on approval by the Governor, has legal authority to promulgate the subject regulations pursuant to *Code of Virginia* § 32.1-46.1.

The purpose of this communication is to provide legal advice. To the extent that this communication may advise you that certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency or board and this communication should not be construed as a comment for or against the merits of such action.

Sincerely,

/s/ D. Nelson Daniel
Assistant Attorney General

cc: Robert W. Hicks, Director, Office of Environmental Health Services
Gary L. Hagy, Director, Division of Food and Environmental Services